

§ 167.90

§ 167.90 Where to obtain and submit forms.

(a) *Where to obtain forms.* Any person may obtain blank forms for the applications and reports required by this part from any EPA Regional Office, or from the address listed in paragraph (b) of this section.

(b) *Where to submit applications and reports.* Each producer operating an establishment, with the exception of those establishments not found at the same location as their company headquarters, must submit applications and reports required by this part to the EPA Regional Office which serves the area where the establishment is located. The list of Regional Office addresses is found in 40 CFR 1.7. Applications and reports for those establishments not found at the same location as their company headquarters to be submitted by the company headquarters to the Regional Office having jurisdiction over the State in which the company headquarters is located. A foreign producer who exports any pesticide product, device, or active ingredient to the United States must submit all applications and reports to:

U.S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance, Office of Compliance, Agriculture and Ecosystems Division (2225A), Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460, ATTN: FIFRA Foreign Establishment Registration Contact.

[53 FR 35058, Sept. 8, 1988; 54 FR 32638, Aug. 9, 1989, as amended at 62 FR 49620, Sept. 23, 1997; 65 FR 4577, Jan. 31, 2000]

PART 168—STATEMENTS OF ENFORCEMENT POLICIES AND INTERPRETATIONS

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Subpart A—General Provisions [Reserved]

Subpart B—Advertising

§ 168.22 Advertising of unregistered pesticides, unregistered uses of registered pesticides and FIFRA section 24(c) registrations.

(a) FIFRA sections 12(a)(1) (A) and (B) make it unlawful for any person to “offer for sale” any pesticide if it is unregistered, or if claims made for it as part of its distribution or sale differ substantially from any claim made for it as part of the statement required in connection with its registration under FIFRA section 3. EPA interprets these provisions as extending to advertisements in any advertising medium to which pesticide users or the general public have access.

(b) EPA regards it as unlawful for any person who distributes, sells, offers for sale, holds for sale, ships, delivers for shipment, or receives and (having so received) delivers or offers to deliver any pesticide, to place or sponsor advertisements which recommend or suggest the purchase or use of:

(1) Any pesticide for a use authorized under a FIFRA section 5 experimental use permit (EUP).

(2) Any pesticide for a use authorized under a FIFRA section 18 emergency exemption, except for advertisements that:

(i) Are placed in media which address primarily persons in the geographical area to which the exemption applies.

(ii) State the name and address of one or more retail dealers who stock the pesticide.

(iii) Contain a prominent notice of the limitations on use under the section 18 emergency exemption.

(3) Any pesticide for any use authorized only by a FIFRA section 24(c) special local need registration, unless the advertisement contains a prominent notice of the limitations on use under the section 24(c) registrations.

(4) Any unregistered pesticide for any use unless the advertisement is one permitted by paragraph (b) (2) or (3) of this section.

(5) A registered pesticide product for an unregistered use, unless the advertisement is one permitted by paragraph (b) (2) or (3) of this section. However, as a matter of policy, the Agency will not regard as unlawful the advertisement of uses permitted by FIFRA section 2(ee) provided the product is not an antimicrobial pesticide targeted against human pathogens (see 51 FR 19174; May 28, 1986).

(c) For purposes of paragraph (b) of this section, a "prominent notice of the limitations on use" is one which sets forth the limitations on use in a manner reasonably likely to be understood by persons to whom the advertisement is addressed. For printed advertising, this criterion will be met by a legend in 6-point or larger type.

Subpart C [Reserved]

Subpart D—Export Policy and Procedures for Exporting Unregistered Pesticides

SOURCE: 58 FR 9085, Feb. 18, 1993, unless otherwise noted.

§ 168.65 Pesticide export label and labeling requirements.

(a) *General.* This section describes how EPA interprets and will enforce the requirements of FIFRA section 17(a)(1). Every exported pesticide, device, and active ingredient used in producing a pesticide (see § 152.3 of this chapter for the definition of "active ingredient" and "pesticide") must bear a label or labeling which meets the requirements of FIFRA section 17(a)(1). This requirement applies to all such pesticides, devices, or active ingredients, regardless of whether the export is for commercial or research use. In the case of unregistered pesticides, including research substances which are

being exported for testing, the labeling requirements of this section continue to apply independently of whether the exporter must submit a purchaser acknowledgement statement under FIFRA section 17(a)(2) as described at § 168.75 of this chapter. In addition, information which will satisfy FIFRA section 2(q)(1)(E), (G), and (H) and section 2(q)(2)(A) and (D) must appear in English and in the appropriate foreign languages, on the label or labeling as described in paragraph (b)(4) of this section. The required label and labeling statements may be met through either immediate container labels, accompanying supplemental labeling as described in paragraph (c) of this section, or a combination of the two.

(b) *Specific requirements.* The labels and labeling of any exported pesticides, devices, and active ingredients used in producing pesticides must meet the requirements regarding label and labeling content, correct representation, and understandability as stated in this paragraph.

(1) *Label contents.* The term *label* means the written, printed, or graphic matter on or attached to the immediate container of the pesticide, device, or active ingredient used in producing a pesticide. In the case that the immediate container is enclosed in an outer container or wrapper through which the label cannot be read, the label must also be on such outer container or wrapper. Except as provided in paragraph (c) of this section, the immediate container of the pesticide, device, or active ingredient used in producing a pesticide must bear a conspicuous and readable label which includes:

(i) *EPA pesticide producing establishment number.* The producing establishment registration number must be present but may appear anywhere on the label or immediate container in accordance with the establishment registration labeling requirements set forth in § 156.10(f) of this chapter.

(ii) *Warning or caution statements.* Warning or caution statements must appear on the label and must be adequate for the protection of persons handling the pesticide, device, or active ingredients including warnings regarding general toxicological hazards